

Alliance for Public Technology

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April 6, 1998

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Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

Re: Comments of the Alliance for Public Technology In
the Matter of the Petition of U S WEST for Relief
from Barriers to Deployment of Advanced
Telecommunications Services; CC Docket No. 98-26

Dear Ms. Salas:

Please find enclosed an original and twelve copies of the
above-referenced submission. You may reach me at
(202) 408-0831 if you have any questions. Thank you for your
assistance.

Sincerely,

Maureen A. Lewis
General Counsel

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
)	
Petition of Bell Atlantic for Relief from)	
Barriers to Deployment of Advanced)	CC Docket No. 98-11
Telecommunications Service)	
)	
Petition of U S WEST for Relief from)	
Barriers to Deployment of Advanced)	CC Docket No.98-26
Telecommunications Services)	
)	
Petition of Ameritech for Relief from)	
Barriers to Investment in Advanced)	CC Docket No. 98-32
Telecommunications Capability)	

COMMENTS OF THE ALLIANCE FOR PUBLIC TECHNOLOGY

APT has filed its own petition recommending to the Commission several courses of action to implement the vitally important directive of Section 706.¹ Petitioners Bell Atlantic, U S WEST and Ameritech in the above referenced dockets each have suggested options that are similar to some described in APT's petition. In these circumstances, we support those approaches that are consistent with our filing. In doing so, we rely upon our previous extensive discussion of them in our petition. We do not repeat the proposals here, but note that APT's recommendations will be the subject of public comment in matter number RM-9844 until April 13, 1998 and reply comments until May 6, 1998.

¹ Petition of the Alliance for Public Technology Requesting Issuance of Notice of Inquiry and Notice of Proposed Rulemaking to Implement Section 706 of the 1996 Telecommunications Act, filed February 18, 1998).

APT therefore finds it more appropriate to confine any further remarks on the specifics of its own recommendations to that proceeding.

The RBOC petitions address some issues not raised in APT's filing, however. The main one, of course, is their individual requests for permission to provide high-speed data network transmission service without regard to present inter-LATA boundaries. Some of the arguments in our petition are relevant to these requests -- namely, the legal analysis of the relationship between Section 706 and Section 401 (see APT Pet. at 17-19). We have not addressed the policy aspects of the requests, and will do so here only very briefly.

APT's general position on in-region inter-LATA is readily stated, and simply reflects the same goals as those of the Congress and the Commission -- namely, that the most expeditious implementation of the "letting-in/letting out process" best serves the public interest. Clearly, as the Commission itself recognizes, there are great benefits from increased RBOC competition in the in-region inter-LATA arena. Because of the huge role that data will play in the coming years, the contribution of the RBOCs to high speed data networks that cross LATAs is also most welcome and beneficial to the national interest. The LATAs are purely artificial constructs that do not reflect market realities, and should be eliminated as quickly as possible, consistent with the Congressional directive that the "letting in" checklist and provisions of Section 271 be met. Of course, the latter requirement is the rub, because of the serious disagreement between the RBOCs and the IX carriers regarding statutory requirements. That is not the subject of these proceedings, however, and we shall not comment further on that topic.

Our point is that the requests for special relief certainly raise an important issue, but it must be viewed also in the context of the general 271 issue, and specifically, as we enter the third year following the 1996 Act's passage, how close are we to resolution of the general issue. For the sake of all the public interest benefits that Congress sought from speedy implementation of the "letting in/letting out" process, APT, along with many others, including the Congress and the Commission, hopes that the third year would see substantial progress in this respect. If that is so, such developments would subsume the special RBOC requests here under consideration. If it is not so -- and the Commission, after consultation with the State Commissions and the Department of Justice, is in the best position to make that judgment, then the requests for special relief do deserve a hard and expeditious examination. In short, our position and hope is that 1998 is the year that the Commission, with its consultative process and new Commissioners determined to make great progress, will end the gamesmanship on both sides (as Senator Magnuson once aptly said, "all each industry seeks is a fair advantage over its rivals"), and effect the needed breakthrough, consistent with Act's provisions and purposes.

We would also note that while APT's petition mentions ILECs' use of separate subsidiaries for their advanced telecom operations such as ADSL (see APT Pet. at 17), the Ameritech petition discusses the idea in much greater detail. We certainly endorse the concept of the separate subsidiary operating as a CLEC and thus enhancing parity treatment for the other CLECs using, for example, "dry copper" (the loop) for their own ADSL operations. We therefore believe that it would be both most useful and fruitful to examine the nuances of the separate subsidiary concept, as proposed, for example, by

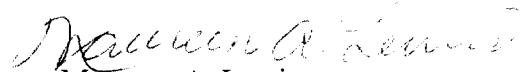
Ameritech at pages 18-22 of its petition.

Finally, APT is especially concerned that everyone, particularly those in traditionally underserved communities, receive affordable access to advanced telecommunications capability, and that the Commission help fulfill Section 706's promise of ubiquitous infrastructure deployment. Therefore, should the Commission grant Petitioners' requests, we strongly recommend that it require them to deploy their advanced data networks in a manner consistent with the mandate of Section 706 and to demonstrate that commitment by submitting periodic schedules describing when and where they intend to deploy advanced telecommunications infrastructure. We believe that such schedules will help to minimize the "electronic redlining" that segments the market in ways contrary to the universal deployment goal of Section 706.

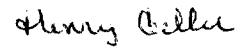
The Commission should also require the RBOCs to work closely with community-based organizations ("CBOs") in developing advanced telecommunications technology applications that address important life needs and to report to the Commission on the progress of their partnership efforts. As APT stated in its petition at pages 35-39, partnerships between CBOs and telecommunications providers can help promote infrastructure deployment in underserved communities by facilitating aggregation of community-driven demand to make investments there more attractive financially.

We conclude these brief comments by again urging the Commission to act as quickly as possible, and above all, to employ not just the NOI process but also the NPRM for the reasons stated in APT's petition at pages 12-14.

Respectfully submitted,



Maureen A. Lewis
General Counsel



Henry Geller
Of Counsel

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April 6, 1998

I, Ginger Beverly, a secretary for Alliance for Public Technology, hereby certify that on the 6th day of April, 1998, copies of the foregoing "Comments of the Alliance for Public Technology In the Matter of the Petition of U S WEST for Relief from Barriers to Deployment of Advanced Telecommunications Services" were hand delivered to:

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